



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

NEAL M. GOLDBERG GENERAL COUNSEL

1724 MASSACHUSETTS AVE N.W. WASHINGTON, D.C. 20036-1903

TEL: 202.775.3664 FAX: 202.775.3603

November 3, 2005

Mr. Rudy Brioche
Legal Advisor to Commissioner Adelstein
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket No. 04-36 ("IP-Enabled Services")

Dear Mr. Brioche:

On August 2, 2005, on behalf of the National Cable & Telecommunications Association ("NCTA"), I sent you a Legal Memorandum detailing the reasons why the IP video services proposed by SBC and other telephone companies are subject to Title VI of the Communications Act. That Memorandum demonstrated that IP video services proposed by those companies are Title VI-defined "cable services" and the facilities they propose to use are Title VI-defined "cable systems," making them "cable operators" subject to Title VI's regulatory scheme.

On September 14, 2005, SBC submitted a document in this docket entitled "The Impact and Legal Propriety of Applying Cable Franchise Regulation to IP-Enabled Video Services." That document purported to show that the IP video services to be offered by SBC "will not be 'cable services' provided over a 'cable network' [sic] as those terms are defined in Title VI."

On November 1, 2005, NCTA submitted a Response to the SBC paper which demonstrates once again that SBC's proposed IP video services will be Title VI "cable services" delivered over a Title VI "cable system." I am attaching that Response for your information.

If you have any questions about this submission, please contact me.

Sincerely,

/s/ **Neal M. Goldberg**

Neal M. Goldberg

Attachment



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cc: Marlene H. Dortch (for inclusion in WC Docket No. 04-36)
Commissioner Jonathan S. Adelstein